

IN THE UNITED STATES DISTRICT COURT FOR THE
WESTERN DISTRICT OF PENNSYLVANIA

MALISSA PERRY,	:	CIVIL DIVISION
	:	
Plaintiff,	:	
	:	Civil Action No.: 1:21-cv-301
v.	:	
	:	
SAM'S EAST, INC. d/b/a SAM'S CLUB,	:	<i>Electronically Filed</i>
	:	
Defendant.	:	

NOTICE OF REMOVAL

TO: The Honorable Judges of the United States District Court for the Western District of Pennsylvania

This Notice of Removal is filed by Sam's East, Inc. dba Sam's Club (hereinafter "Sam's Club") asserting as follows:

1. The above-described action was commenced by the filing of a Complaint on or about September 13, 2021 in the Court of Common Pleas of Erie County, Pennsylvania, against Sam's Club. (A true and correct copy of the Complaint is attached hereto as Exhibit "A".)
2. Sam's East, Inc., is a foreign corporation incorporated in Arkansas, with a principal place of business in Bentonville, Arkansas. Thus, Sam's East, Inc. is not a citizen of Pennsylvania.
3. The Sam's Club store at issue in this matter was served with the Complaint via sheriff on October 8, 2021. (See Sheriff's Return attached hereto as Exhibit "B").
4. Plaintiff is a resident of Erie County, Pennsylvania. See Exhibit A at ¶ 1.
5. The Complaint seeks an award in excess of the arbitration limits of Erie County (\$50,000.00), but no specific sum is demanded in the Complaint.

6. Among other injuries, it is understood that Plaintiff claims damages for a serious injury to her left leg, including a hyperextension/hyperflexion injury, a tear of her ACL, and a partial tear of her meniscus, both of which required surgery.

7. Based on these alleged injuries and damages, Plaintiff's counsel has advised the undersigned counsel that this case is valued in excess of \$75,000.00.

8. This Notice of Removal is filed within thirty (30) days after Defendant, Sam's Club, was served with a copy of Plaintiff's Complaint on October 8, 2021, which apprised this Defendant of the amount in controversy, and within one (1) year of the commencement of this matter by Plaintiff on September 13, 2021 by the filing of the Initial Complaint; thus, it is timely filed pursuant to 28 U.S.C. §1446(b) (3) and (c).

9. As all of the parties to this action are diverse and the amount in controversy exceeds \$75,000, this Court has original jurisdiction under the provisions of 28 U.S.C. §1332 and this case may be removed to this Court by this Defendant pursuant to the provisions of 28 U.S.C. §§1441 and 1446.

WHEREFORE, Sam's East, Inc. requests that this action now pending in the Court of Common Pleas of Erie County at Docket No. 11991-21 be removed to this Honorable Court.

JURY TRIAL IS DEMANDED.

Respectfully submitted,

THOMAS, THOMAS & HAVER LLP

Date: 10/29/2021

BY: /s/Rebecca Sember Izsak
Rebecca Sember Izsak
PA ID No. 74584
Counsel for the Defendant
Sam's East, Inc.